UNITED
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A/47/151
8 April 1992

ORIGINAL: ENGLISH

Forty-seventh session
Items 18 and 103 of the preliminary list*

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF EAST TIMOR

Letter dated 6 April 1992 from the Permanent Representative of Cape Verde to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a joint declaration on East Timor issued by the Heads of State of Angola, Guinea-Bissau, Mozambique, Sao Tome and Principe and Cape Verde on the occasion of their Tenth Summit, held in the Republic of Sao Tome and Principe on 10 March 1992.

I request that the present letter and the joint statement be published as an official document of the General Assembly under items 18 and 103 of the preliminary list.

(Signed) José Luis JESUS
Ambassador
Permanent Representative of Cape Verde
to the United Nations

* A/47/50.

ANNEX

Joint declaration on East Timor issued on 10 March 1992 by the Heads of State of Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe

The Heads of State of the Democratic Republic of Sao Tome and Principe, the People's Republic of Angola, the Republic of Cape Verde, the Republic of Guinea-Bissau and the Republic of Mozambique met in their Tenth Summit at Sao Tome from 9 to 10 March 1992 and analysed, inter alia, the recent developments of the situation in East Timor.

In this respect, the Heads of States condemned the Dili massacre and manifested their preoccupation for that abhorrent act, which violated the fundamental rights and liberty of the people of East Timor, whose territory is still being illegally occupied by Indonesia.

The Heads of State deplored the relative passivity of the international community in not taking any action or making any denunciation of the prevailing situation in East Timor, despite the fact that Indonesia is in violation of the fundamental principles of the Charter of the United Nations, as well as of international law.

The Heads of State expressed admiration for the determination shown by the heroic people of East Timor in intensifying their resistance by all means against the illegal occupation of their territory, in spite of the silence that surrounds their legitimate struggle.

The Heads of State reaffirmed their unswerving solidarity with the people of East Timor in its struggle for determination. They declared their firm desire in consultation with Portugal, the administering Power, as well as with the representatives of the Timorese people, to search for all international avenues for a negotiated solution to the question of East Timor.

In this connection, the Heads of State stressed that the peaceful resolution of the Timorese question has to take into consideration the respect for the legitimate rights of the people of East Timor, and also observe all the pertinent resolutions of the General Assembly and Security Council of the United Nations.

The Heads of State encouraged the Indonesian authorities to enegage in direct talks with the Government of Portugal and the representatives of the people of East Timor, with a view to finding a just, global and internationally acceptable solution to the question, which would also take into account the legitimate aspirations of the people of the territory, in conformity with the Charter of the United Nations and international law.

The Heads of State called upon the international community to extend its humanitarian aid to the suffering people of East Timor and also to allow internationally recognized humanitarian and non-governmental organizations access to the territory of East Timor.

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Item 103 of the preliminary list*

QUESTION OF EAST TIMOR

Letter dated 8 April 1992 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued by the Government of the Republic of Indonesia, dated 8 April 1992 (see annex), in response to the communication of 26 March 1992 contained in document A/47/134-S/23757 from the Government of Portugal concerning East Timor.

I would be grateful if you could kindly arrange the circulation of the present letter and its annex as an official document of the General Assembly.

(Signed) Nana S. SUTRESNA
Ambassador
Permanent Representative

* A/47/50.

ANNEX

Statement on East Timor issued on 8 April 1992
by the Government of Indonesia

The Permanent Representative of the Republic of Indonesia to the United Nations has the honour to convey the statement of the Government of the Republic of Indonesia in response to the statement by the Government of Portugal issued on 24 March 1992 concerning the Portuguese vessel Lusitânia Expresso, circulated as an official document of the General Assembly and of the Security Council (document A/47/134-S/23757), containing not only misleading information on the event regarding the Lusitânia Expresso, but also a protest by the Government of Portugal directed to the Government of Indonesia:

1. On 10 March 1992 at 1411 Indonesian Central Time (ICT), an Indonesian Navy aircraft Nomad P-802 detected on its radar the Portuguese vessel Lusitânia Expresso, which was located approximately 140 miles south-east of Jaco Island.

2. On 11 March 1992 at 0546 ICT, the Lusitânia Expresso was at 2 nautical miles outside the Indonesian territorial sea, the outer limits of which are 12 nautical miles measured from the archipelagic baselines drawn from the outermost points of the Indonesian islands, in this case Leti Island and Jaco Island. The Indonesian naval vessels KRI Ki Hajar Dewantara and KRI Yos Sudarso sailed alongside the Lusitânia Expresso, while maintaining a safe distance from the Lusitânia Expresso in accordance with applicable international standards.

3. At 0555 ICT, the Lusitânia Expresso entered the Indonesian territorial sea. The Commander of KRI Yos Sudarso at 0558 ICT waved a K-9 signal flag requesting the Lusitânia Expresso to open a radio communication line on frequency FM-16. When radio contact was made, the Commander of KRI Yos Sudarso informed the Captain of the Lusitânia Expresso that his ship was in the Indonesian territorial sea (8°30'25" S and 127°37'30" E). The Commander then ordered the Lusitânia Expresso to leave the Indonesian territorial sea. Instead of following the order, the Lusitânia Expresso continued its voyage within the Indonesian territorial sea. The two Indonesian naval vessels continued to monitor the Lusitânia Expresso.

4. After repeated warnings by KRI Yos Sudarso, at 0607 ICT the Lusitânia Expresso manoeuvred and turned around 150° and proceeded to leave the Indonesian territorial sea, heading back towards the direction of Darwin.

5. At 0731 ICT, the Lusitânia Expresso raised two black balloons indicating that the ship had to stop owing to a "technical malfunction". The message was understood by the Indonesian side. The Indonesian naval vessels maintained a safe distance while "repair works" were in progress, and there were no

activities of the Indonesian naval vessels that could be construed as threatening or intimidating as the statement of the Government of Portugal attempted to describe the situation.

6. At 0921 ICT, after completing the "repair works", the Captain of the Lusitânia Expresso informed the Commander of KRI Yos Sudarso that the ship was ready to start sailing in the direction of 157° towards Darwin at a speed of 10 knots.

7. It was later reported that the Lusitânia Expresso arrived at Darwin on Thursday, 12 March 1992, at 0345 local time.

8. The chronology of events in the foregoing paragraphs clearly indicate that the Indonesian Navy, which is responsible for law enforcement and the protection of national sovereignty at sea, has shown utmost restraint during the entire event. As mentioned above, the Indonesian naval vessels had adopted a firm but peaceful approach in getting the Portuguese vessel out of the Indonesian territorial sea. They had refrained from using force.

9. In ordering the Lusitânia Expresso to leave the Indonesian territorial sea, the Commander of KRI Yos Sudarso had acted in conformity with the statement of the Government of Indonesia (contained in the Indonesian Mission Press Release No. 02/PR/92 dated 25 February 1992) in which the Government declared that the Indonesian territorial sea was closed to the Portuguese vessel Lusitânia Expresso, since the purpose of the voyage was provocative in nature. Far from being a voyage of peace and of respect for human rights, it was politically motivated from the start, aimed at instigating confrontation, aggravating tension, inducing divisiveness and inciting disturbances in East Timor. For these reasons, the voyage was prejudicial to the peace, good order and security of Indonesia, and thus contrary to the established notion of innocent passage. Indonesia as the coastal State concerned has the right under international law to deny the passage of the Lusitânia Expresso through its territorial sea.

10. The serious efforts made by the Government of Indonesia to enforce the law peacefully are in conformity with the hope of the United Nations Secretary-General expressed prior to the event that "good judgement and maximum restraint be displayed by all concerned".

11. The Government of Indonesia hereby strongly rejects the protest of the Government of Portugal concerning the event, including the actions taken by the Indonesian Navy with regard to the Portuguese vessel Lusitânia Expresso, contained in General Assembly/Security Council document A/47/134-S/23757 dated 26 March 1992.

12. The Government of Indonesia once again reaffirms its commitment to cooperate fully with the Secretary-General in his efforts to find a comprehensive and internationally acceptable settlement to the question of East Timor, including the resumption of dialogue with Portugal under his

auspices. In order to ensure its success, however, Portugal must show its sincerity and good faith by words and deeds, thereby creating an atmosphere conducive for such efforts.

The Permanent Representative of the Republic of Indonesia to the United Nations would appreciate it if the Secretary-General would transmit the text of the above-mentioned statement to the Permanent Representative of Portugal to the United Nations.

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GENERAL ASSEMBLY
Forty-seventh session
Item 69 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 10 April 1992 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter from Mr. A. Zlenko, Minister for Foreign Affairs of Ukraine, of 9 April 1992, in which the developments around the Crimea and the Black Sea Fleet are brought to your attention (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

(Signed) Victor H. BATIOUK
Ambassador
Permanent Representative of Ukraine
to the United Nations

* A/47/50.

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ANNEX

Letter dated 9 April 1992 from the Minister for Foreign Affairs of Ukraine to the Secretary-General

Translation from Ukrainian

The circumstances which have arisen from the situation around the Crimea and the Black Sea Fleet compel me to send you this letter.

Recently, certain high-ranking officials of Russia and the mass media have undertaken attempts to interfere rudely into the internal affairs of Ukraine. The legislative acts of Ukraine on the creation of its own Armed Forces, adopted in accordance with international agreements, signed by the Heads of States of the Commonwealth of Independent States (CIS), are being ignored. The appeals that provoke political and social discontent and inflame national hatred are being spread among the personnel of the Fleet.

We cannot leave these actions without attention because they instigate among the servicemen malevolent feelings towards the sovereign State on the territory of which they are deployed and where almost all of the Black Sea Fleet forces are based. The situation around the Crimea and the Black Sea Fleet has aggravated further, and dangerous developments emerged after certain leaders of the Russian Federation had resorted to actions which might be regarded as irresponsible and illegitimate.

During his trip to Sevastopol on 4 April, Mr. A. Rutskoi, the Vice-President of the Russian Federation, called for the separation of the Republic of Crimea from Ukraine. Such actions contradict international law and might be regarded only as purposeful attempts to undermine the territorial integrity of a sovereign Member State of the United Nations and the Conference on Security and Cooperation in Europe (CSCE), as the breach of the international commitments pledged by the Russian Federation under the Charter of the United Nations, the Helsinki Final Act, the Agreement on the Commonwealth of Independent States, the Treaty between RSFSR and the Ukrainian SSR of 19 November 1990, as well as other Ukrainian-Russian accords.

On 7 April, the President of Russia, Mr. B. Yeltsin, issued the Decree on the transfer of the Black Sea Fleet under the jurisdiction of the Russian Federation, while this Fleet is registered at the bases located in Ukraine and is under the jurisdiction of Ukraine. An attempt was undertaken to extend the application of the Decree to the territory of the other State - Ukraine. This contradicts the universally recognized norms of international law, since normative acts of one State have no exterritorial effect and cannot be extended to the territory of another State.

The issuance of this Decree is a flagrant violation of the sovereignty of Ukraine, an interference into its internal affairs, and it provokes a serious situation of conflict.

Trying to lay groundless claims to the Crimea and the Black Sea Fleet, some politicians create the image of an enemy out of Ukraine, and thus seed distrust and heighten tension in relations between the two fraternal nations.

Concerned with the safeguarding of its national security, Ukraine strives to solve all the problems in the spirit of the principles of international law. Any other approach would contradict the national interests of Ukraine and Russia, as well as the friendly relations between the peoples of the two countries.

At present, when Europe and the world at large are getting free from the burdensome inheritance of the past, the obvious disregard by any State of the principles of the Charter of the United Nations creates new dangerous precedents in international relations. It conceals a threat to the system of international security, which being established nowadays through the persistent efforts of the world community.

Informing you, Mr. Secretary-General, about our position we count upon your understanding and cooperation.

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Forty-seventh session
Item 33 of the preliminary list*

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 8 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement of the European Community and its member States on South Africa, issued at Luxembourg on 6 April 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 33 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the United Nations

* A/47/50.

ANNEX

Statement on South Africa issued by the European Community and its member States on 6 April 1992

The Community and its member States, which have been following very closely the positive developments taking place in the framework of the Convention for a Democratic South Africa, reaffirm their commitment to the creation of a democratic and non-racial South Africa and the well-being of all its people.

Recalling the Rome European Council decision of December 1990 to review gradually restrictive measures adopted towards South Africa, the Community and its member States have decided to lift the oil embargo in effect since 1985.

As to the restrictive measures in the cultural, scientific and sporting fields, the Community and its member States, recalling the declarations issued by the ministerial meeting of 20 February 1990 and the European Council of Luxembourg of June 1991, have also decided that they be formally lifted.

The Community and its member States express their willingness to continue to support the programme of positive measures implemented in 1985 to help the victims of apartheid.

The Community and its member States hope that these measures will encourage positive developments in South Africa, in particular the establishment of an interim government.

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Item 22 of the preliminary list*

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Letter dated 8 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement of the European Community and its member States on Haiti, issued at Lisbon and Brussels on 7 April 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 22 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the United Nations

* A/47/50.

ANNEX

Statement on Haiti issued by the European Community and its member States on 7 April 1992

The Community and its member States reaffirm their conviction that the two Washington protocols of 23 and 25 February 1992 between representative Haitian partners remain an important step on the path towards the re-establishment of the rule of law in Haiti.

They deplore the fact that the protocol of 23 February has not been ratified by the Haitian Parliament and that the de facto authorities believed it necessary to have the constitutionality of that agreement verified.

They urge all Haitian parties to make a combined effort, in accordance with the verdict of the elections and with the constitution, to remove the obstacles to the settlement of the Haitian crisis as elaborated in Washington.

They recall that once again it is the Haitian people who are the victims of these delays and dilatory schemes.

The Community and its member States reiterate their intention to resume cooperation once a democratic regime has been reinstated in Haiti.

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Forty-seventh session
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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 8 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement on Libya issued by the European Community and its member States at Luxembourg on 6 April 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 69 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the United Nations

* A/47/50.

ANNEX

Statement on Libya, issued at Luxembourg on 6 April 1992 by the European Community

The Community and its member States urge Libya to comply unconditionally with United Nations Security Council resolutions 731 (1992) and 748 (1992), which will be scrupulously implemented by the Community and its member States.

The Community and its member States condemn the acts of violence perpetrated on 2 April against foreign embassies. They call upon the Libyan authorities to implement the assurances given with regard to the protection of diplomatic missions and the guarantees concerning the free movement of foreign nationals.

They expect Libya to abide fully by international law as well as to respect the rights and fundamental freedoms of all those living on its territory.

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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 8 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary General

I have the honour to transmit herewith the text, in English and French, of a statement on Zaire issued by the European Community and its member States at Luxembourg on 6 April 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 69 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the United Nations

* A/47/50.

ANNEX

Statement on Zaire, issued at Luxembourg on 6 April 1992 by the European Community

The Community and its member States have taken note of the decision of the President of the Republic of Zaire to resume the work of the National Sovereign Conference, which was unilaterally suspended last January. They hope that this measure will put an end to the political, economic and social deadlock that Zaire has known for several months.

The Community and its member States reaffirm the indispensable character of the resumption of the national conference and the formation of a neutral, transitional government which will be in a position to carry forward the process of democratization and to establish an electoral calendar. They ask the President of the Republic, the Government, the Bureau of the National Sovereign Conference and all segments of Zairean society to do their utmost to allow for the country's definitive reconciliation and for the creation of a climate of consensus and tolerance. Only these conditions will permit the economic and social recovery of Zaire, which will finally render possible the improvement of the living conditions of the people.

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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 8 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement on Yugoslavia issued by the European Community and its member States at Luxembourg on 6 April 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 69 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the United Nations

* A/47/50.

ANNEX

Statement on Yugoslavia, issued at Luxembourg on 6 April 1992 by the European Community

The Community and its member States have decided to recognize as from 7 April 1992 the Republic of Bosnia-Herzegovina. The measures implementing this decision will be taken nationally in accordance with international practice.

The Community and its member States have also decided to extend to the Republic of Serbia the benefit of positive measures similar to those granted to the other republics on 2 December 1991 and 10 January 1992. The Presidency, the Commission and the Chairman of the Conference on Yugoslavia are requested to discuss with the authorities of Serbia the modalities for the implementation of this decision, in accordance with principles agreed upon among the Community and its member States.

The Community and its member States also received a report from the Presidency on its efforts to reach a solution on the issue of the recognition of another republic. They expect these efforts to produce results soon.